ENVIRONMENTAL LEAD NEWSLETTER

June 2001

UPDATES AND ANOUNCEMENTS

Regulatory Changes

The Environmental Lead Program (ELP) continues the evaluation of new federal rules and standards, in order to update state rules. This is a requirement for continued EPA State Authorization.

Drafts of the regulation are available upon request. However, the final version of the regulation will not be available until early fall of this year.

Renovation and Remodeling Rules

Most people are aware that renovation and remodeling activities are a major source of lead dust and thus the potential of lead exposure to young children. Should individuals who conduct these activities be trained or certified?

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"abatement."

HUD Training:

Housing Urban Development (HUD) has been offering training to maintenance workers and contractors where there are insufficient numbers of workers training in lead-safe work practice standards. This type of training is required in order to comply with the new federal requirements in the HUD lead safe housing rule. These courses are not for certification purposes.

HUD is now offering free accredited lead training to increase the number of lead workers, supervisors, and risk assessors available to conduct work in federally assisted housing in compliance with the new HUD regulations (24 CFR Part 35). These courses include lead workers, supervisors, and risk assessors.

To get more information call 1-866-HUD-1012 or go to http://www.hud.gov/offices/lead/index.cfm (HUD Web Page) and click on "FREE HUD SPONSERED TRAINING." You can also find information on the Web at www.leadlisting.org.

Note that in order for you to become certified in Kentucky to conduct assessment or abatement activities in target housing and child occupied facilities the course must be taught by a "Kentucky Accredited Training Provider" and you must have specified educational and experience to qualify for some of the disciplines.

EPA-HUD 4/19/01 Letter Clarifying rehab requirements and the definition of "abatement."

This letter appears to indicate that there are two situations that either do or do not require abatement of lead-based paint hazards depending on funding.

 When the Federally assisted rehab money is more than \$25,000 per unit the abatement of lead-based paint hazards must take place.

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Renovation and Remodeling -cont-

The Environmental Protection Agency (EPA) is asking authorized States to review potential program applicability and efforts related to the regulation of remodelers and renovators under a "EPA Renovation and Remodeling Rule" that may be proposed within the next few years.

At this time the Environmental Lead Program has not determined if the State could conduct an effective program and have funds to regulate these activities.

It is possible that EPA could regulate these activities and the ELP continue to authorized to regulate abatement and assessment activities.

If you wish to indicate an opinion you can provide you support or non-support in writing to the agency at the address indicated below.

Editor:

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EPA-HUD Letter -cont-

 When less than that amount the abatement of lead-based paint hazards is not required by HUD rules.

Under Kentucky law "Lead-hazard abatement" includes measures that are designed or intended to permanently eliminate lead hazards; which will protect children and adults from the risk of lead poisoning.

Be aware that:

The intend of the activity not the title of the project, i.e. renovation, remodeling, rehabilitation that dictates what is or is not lead-hazard abatement and regulated by Kentucky Environmental Lead Laws and regulations.

- As indicated in previous newsletters the use of an encapsulant (liquid covering material) is a clear example of an abatement method.
- Removal and replacement or enclosure can be both a renovation and remodeling activity or an abatement method. Therefore is important to note that if the activity is intended to permanently eliminate lead hazards this is abatement and a regulated activity.

Inspections and assessment information along with project specifications will be examined by the agency to determine regulated activities and compliance with Kentucky laws and regulations.

Note that there are specific penalties indicated by law (KRS 211.990 - paragraphs (8) (9) (10)) involved when non-compliance is determined.

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